

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

CHRISTOPHER GOODVINE,

Plaintiff,

v.

SHERIFF RICHARDS, ET AL.,

Defendants.

ORDER

18-cv-259-wmc

Plaintiff Christopher Goodvine contends that Columbia County Jail staff violated his constitutional rights during an altercation that took place on October 22, 2015. On October 23, 2018, the court granted Goodvine leave to proceed on (1) Eighth, First and Fourteenth Amendment claims against defendants Stuewer and Hatton; (2) Eighth and First Amendment claims against defendant Bursaw; and (3) Wisconsin battery claims against Stuewer, Bursaw and Hatton.

On August 29, 2019, defendants filed a motion to dismiss Goodvine's complaint pursuant to Federal Rule of Civil Procedure 37, for Goodvine's failure to: (1) respond to the court's order on his motion to compel, (2) respond to their communications, (3) appear for a properly noticed deposition, and (4) update them and the court as to his new address. (Dkt. #55.) The court set September 9, 2019, as plaintiff's deadline to respond to that motion. That deadline has passed, and Goodvine has not responded or contacted the court seeking an extension of that deadline. The court is inclined to grant defendants' motion under Federal Rule of Civil Procedure 37, but the court will give Goodvine one more opportunity to respond substantively to defendants' motion. Goodvine now has until

October 3, 2019, to file an opposition to defendants' motion to dismiss. His failure to meet this deadline will cause the court to grant defendants' motion as unopposed and dismiss this lawsuit with prejudice under Federal Rule of Civil Procedure 37.

ORDER

IT IS ORDERED that plaintiff Christopher Goodvine may have until **October 3, 2019**, to file a response to defendants' motion for summary judgment. **If Goodvine does not respond by that date, the court will grant defendants' motion to dismiss and dismiss this case with prejudice under Federal Rule of Civil Procedure 37.**

Dated this 19th day of September, 2019.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge